

**SEC. 1615. FAILURE TO COMPLY WITH VETERANS' PREFERENCE REQUIREMENTS TO BE TREATED AS A PROHIBITED PERSONNEL PRACTICE.**

(a) IN GENERAL.—(1) Chapter 81 of title 10, United States Code, as amended by section 1604, is further amended by adding at the end the following new section:

**§ 1599c. Veterans' preference requirements: Department of Defense failure to comply treated as a prohibited personnel practice**

"(a) PROHIBITED PERSONNEL PRACTICE.—It is a prohibited personnel practice for a person referred to in subsection (b) who has authority described in that subsection—

"(1) knowingly to take, recommend, or approve any personnel action with respect to such authority if the taking of such action violates a veterans' preference; or

"(2) knowingly to fail to take, recommend, or approve any personnel action with respect to such authority, if the failure to take such action violates a veterans' preference."

"(b) PERSONS COVERED.—Subsection (a) applies with respect to—

"(1) an officer or employee of the Department of Defense who has authority to take, direct others to take, recommend, or approve a personnel action with respect to an employee of the Department of Defense; and

"(2) a member of the armed forces who has such authority.

"(c) VETERANS' PREFERENCE DEFINED.—(1) In this section, the term Veterans' preference means any of the following provisions of law:

"(A) Sections 2108, 3305(b), 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317(b), 3318, 3320, 3351, 3352, 3363, 3501, 3502(b), 3504, and 4303(e) of title 5 and (with respect to a preference eligible referred to in section 7511(a)(1)(B) of such title) subchapter II of chapter 75 and section 7701 of such title.

"(B) Sections 943(c)(2) and 1784(c) of this title.

"(C) Section 1308(b) of the Alaska National Interest Lands

Conservation Act (16 U.S.C. 3198(b)).

"(D) Section 301(c) of the Foreign Service Act of 1980 (22 U.S.C. 3941(c)).

"(E) Section 3(a)(1) of the Administrative

Office of the  
United States Courts Personnel Act of 1990 (28  
U.S.C. 602  
note).

"(F) Sections 106(d), 7281(e), and 7802(5) of title  
38.

"(G) Section 1005(a) of title 39.

"(H) Any other provision of law that the Director of the  
Office of Personnel Management designates in regulations as  
being a veterans' preference for the purposes of this section.

"(2) For the purposes of this section, such term  
includes  
any regulation prescribed under subsection (b) or (c) of  
section  
1302 of title 5 and any other regulation that implements a  
provision  
of law referred to in paragraph (1).

"(d) PERSONNEL ACTION DEFINED.—In this section,  
the term  
"personnel action" has the meaning given that term  
in section 2302  
of title 5."